REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 4-20 and 30-36 are currently pending in this application. Claims 30, 31, 34, 35 and 36 are independent. The remaining claims depend, directly or indirectly, from claims 30 and 31.

Claim Amendments

The independent claims have been amended to recite that transmitted digital data comprising scrambled data and encrypted digital information is received, where the digital information comprises a control word that is used for descrambling the scrambled data. Subsequently, the encrypted digital information is decrypted and then re-encrypted using the recording encryption key. Further, the claims have been amended to recite that the scrambled data is stored on the recording support medium, along with the encrypted recording encryption key.

Applicant asserts that no new subject matter is added by way of these amendments. Support for these amendments may be found, for example, on page 3 lines 10-15 and lines 27-32 of the Specification.

Rejections under 35 U.S.C. § 103

Claims 4-8, 14-16, 30-32, and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,991,400 ("Kamperman") in view of US Patent No. 5,796,828

("Tsukamoto"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

The amended independent claims of the present application recite that upon receiving transmitted digital data, including a scrambled program (*i.e.,* the scrambled data) and an ECM (*i.e.,* the encrypted digital information) containing control words (CWs), the encrypted digital information is decrypted to obtain transmitted digital information. The transmitted digital information is then *re-encrypted* with a unique recording encryption key (*see* Specification, page 5). By re-encrypting the transmitted digital data, the access to the transmitted digital data is restricted to those decoders that have access to the recording encryption key or an equivalent of the recording encryption key. The recording encryption key is in turn encrypted using a recording transport key that is stored on a smart card (*i.e.,* a portable security module). Further, both the scrambled data and the encrypted recording encryption key are stored on a recording support medium.

To establish a *prima facie* case of obviousness "...the prior art reference (or references when combined) must teach or suggest all the claim limitations." (*See* MPEP §2143.03). Further, "all words in a claim must be considered in judging the patentability of that claim against the prior art." (*See* MPEP §2143.03). The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of amended independent claim 30.

In particular, the Examiner admits that Kamperman fails to disclose or suggest encrypting data once the data has already been transmitted (*see* Office Action mailed May 31, 2006, page 3). Further, Kamperman fails to teach or suggest that the transmitted digital data includes a scrambled program and encrypted transmitted digital information, where the

encrypted transmitted digital information is decrypted upon receipt and then *re-encrypted* before being stored. The ECMs disclosed in Kamperman are equivalent to the encrypted transmitted digital information recited in the present claims, while the EMMs disclosed in Kamperman are equivalent to the encrypted recording encryption key recited in the present claims (*see* Kamperman, col. 4, ll. 44-54). Thus, a complete read of Kamperman reveals that Kamperman discloses receiving a scrambled program that is stored together with corresponding ECMs (*see* Kamperman, col. 5, ll. 53-58). While Kamperman does disclose that the ECMs are decrypted to obtain the CWs stored within the ECMs (*see* Kamperman, col. 5, ll. 32-35), Kamperman is completely silent with respect to teaching or suggesting that the ECMs are *re-encrypted* before being stored. Said another way, the present invention would be equivalent to Kamperman if the encrypted transmitted digital information was <u>stored as is</u> when received. However, that is *not* what is required by the amended independent claims. In contrast to Kamperman, the claimed invention receives encrypted transmitted digital information, decrypts this digital information, and subsequent re-encrypts the digital information with a key unique to the decoder before storing the digital information, as recited in amended independent claim 30.

Further, Tsukamoto fails to supply that which Kamperman lacks, as evidenced by the fact that the Examiner relies on Tsukamoto solely for the purpose of disclosing the encrypting of transmitted data (*see* Office Action mailed May 31, 2006, pages 4, 6, and 7, for example). Tsukamoto teaches a system allowing storage of digital signals, sometimes in a protected format. However, Tsukamoto fails to disclose or suggest the *re-encryption* of transmitted digital information. Rather, Tsukamoto discloses storing necessary access control signals that determine the reproduction restrictions on video data, where the access control signals are

transmitted to a receiver, and the receiver process the video data as a function of the access control signals (*see* Tsukamoto, Abstract, Figure 2, and col. 5, ll. 20-25).

However, Tsukamoto does not disclose receiving encrypted access control signals and subsequent decrypting and re-encrypting the access control signals. In fact, Tsukamoto fails to disclose or suggest any ECM or related data being received in encrypted form, decrypted by the decoder, and subsequently re-encrypted by the decoder using a recording encryption key known to the decoder.

In view of the above, it is clear that amended independent claim 30 is patentable over Kamperman and Tsukamoto, whether considered separately or in combination. Further, independent claims 31, 34, 35, and 36 have been amended to include similar subject matter as amended independent claim 30 and are patentable over Kamperman and Tsukamoto for at least the same reasons as amended independent claim 30. Dependent claims 4-8, 14-16, and 32 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9-13 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamperman in view of Tsukamoto and further in view of US Patent No. 5,621,793 ("Bednarek"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, both Kamperman and Tsukamoto fail to disclose all the limitations of independent claims 30 and 31. Further, Bednarek fails to supply that which Kamperman lacks. Specifically, Bednarek discloses a set-top box with a global positioning system (GPS) receiver. The GPS receiver checks to see if the set-top box is at an authorized location and

allows descrambling of video signals only if the location is authorized (*see* Bednarek, Abstract). Bednarek fails to disclose or suggest receiving encrypted transmitted digital information, decrypting the encrypted transmitted digital information, and subsequently re-encrypting the transmitted digital information with a recording encryption key known to the decoder before storing the re-encrypted transmitted digital information to a recording support medium.

In view of the above, it is clear that amended independent claims 30 and 31 are patentable over Kamperman, Tsukamoto, and Bednarek, whether considered separately or in combination. Dependent claims 9-13 and 33 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamperman and Tsukamoto, and further in view of European Patent No. 714204 ("Park"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Kamperman and Tsukamoto fail to disclose all the limitations of independent claim 30. Further, Park fails to supply that which Kamperman lacks. Particularly, Park relates to a method for preventing an illegal user from viewing the digital video system and copying from the digital video system. Park discloses setting a descrambling method that decrypts split keystreams using a smartcard (*see* Park, Abstract). However, Park fails to disclose or suggest receiving encrypted transmitted digital information, decrypting the encrypted transmitted digital information, and subsequently re-encrypting the transmitted digital information using a key known to the decoder. Further, Park is completely silent with respect to encrypting the encryption key used to encrypt the transmitted digital information and storing the

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encrypted transmitted digital information along with the recording encryption key and/or the recording transport key on a recording medium.
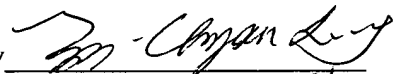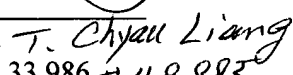
In view of the above, it is clear that amended independent claim 30 is patentable over Kamperman, Tsukamoto, and Park, whether considered separately or in combination. Dependent claims 17-20 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/023001).

Dated: August 24, 2006   Respectfully submitted,

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